

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HARRY GALEKOVICH,

Plaintiff,

v.

CITY OF VANCOUVER, et al.,

Defendants.

CASE NO. C11-5736BHS

ORDER ON VARIOUS MOTIONS
AND DISMISSING CLAIMS
AGAINST REMAINING
INDIVIDUAL DEFENDANTS

This matter comes before the Court on Plaintiff Harry Galekovich's ("Galekovich") motions for entry of default (Dkts. 99, 100, & 101), motion to rule that service to Defendants was proper (Dkt. 105), motion to withdraw motion to dismiss federal and state claims (Dkt. 106) and motion for reconsideration (Dkt. 104).

First, the Court will address the issue of service on the individual Defendants. On March 8, 2012, the Court issued an order that included a requirement that Galekovich show proof that he had properly served Defendants in this action or face dismissal of the lawsuit. *See* Dkt. 81. Galekovich has failed to provide proof of proper service under Rule 4 of the Federal Rules of Civil Procedure within 120 days of filing his complaint or otherwise show why his claims against those he has failed to serve should not be dismissed. Accordingly, the claims alleged against the individual Defendants in this action are dismissed and Galekovich's motions for entry of default (Dkts. 99, 100, & 101) and motion to rule that service to Defendants was proper (Dkt. 105) are denied.

1 Next, Galekovich filed a motion for reconsideration (Dkt. 104) of the Court's
2 order (Dkt. 81) signed March 8, 2012. Motions for reconsideration must be brought
3 within fourteen days of the order they seek to have reconsidered. *See* Local Rule 7(h)(2).
4 Accordingly, Galekovich's motion for reconsideration, which was filed several months
5 after the order it seeks to have reconsidered, is denied as untimely.

6 Finally, Galekovich seeks to withdraw his earlier filed motion to dismiss federal
7 and state claims (Dkt. 83). On April 26, 2012, the Court terminated Galekovich's motion
8 to dismiss his federal and state claims until after mediation between the parties took
9 place. Accordingly, because Galekovich now seeks to have that motion withdrawn, Dkt.
10 83 will remain terminated permanently and Galekovich's motion to withdraw (Dkt. 106)
11 is granted.

12 Therefore, it is hereby **ORDERED** Galekovich's motion to withdraw (Dkt. 106) is
13 **GRANTED** to the extent that his motion to dismiss (Dkt. 83) will remain terminated
14 permanently, his motion for reconsideration (Dkt. 104) is **DENIED**, his motions for entry
15 of default (Dkts. 99, 100, & 101) and motion to rule that service to Defendants was
16 proper (Dkt. 105) are **DENIED**, and his claims against the remaining individual
17 Defendants are **DISMISSED**, as discussed above.

18 Dated this 12th day of September, 2012

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BENJAMIN H. SETTLE
United States District Judge